

**REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE
MARCH 28, 2007 – 2:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Call to Order and Roll Call: CHAIRMAN Gary Besaw called the meeting to order at 2:09 p.m. Roll Call was taken with a quorum present. Members present: Karen Washinawatok, Walter Cox, Gary Schuettpelz, Lynnette Miller, Barbara Nelson and Cara Thunder. Members absent: Mark Waukau (excused), Mercedes Swimmer and Robert Summers.

2. Moment of Silence: A moment of silence was observed.

Motion made by Gary Schuettpelz to suspend the agenda and move item # 5 to # 3. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

5. LaMotte Lake Access request:

Jeremy Johnson-Menominee County Conservationist/Forester/Zoning Administrator formerly requested that the Menominee Tribe consider entering into an agreement that would allow access by LaMotte Lake Property Owners Association members. This agreement would be similar to the Moshawquit Lake Property Owners Association agreement.

This item became an issue when the summer trailer park business formerly owned by George Pamonicutt ceased to operate. The LaMotte Lake Property Owners Association informed the committee that if the road is developed, there would be more traffic, congestion and garbage along with the possibility of contaminating the lake with outside species (milfoil and zebra mussels). It was noted for the record that this is one of our pristine lakes here on the Reservation.

The public access road would be located next to the last lot on the end of Joe Summers Road. This is also to improve the existing public access road. One idea would be to have a contract drawn up with an annual renewal.

Ron Corn informed the Committee the County will also upgrade, maintain and utilize the existing public access road. Walter Cox will organize these discussions.

Motion made by Gary Schuettpelz to recommend to the Legislature to authorize the Program Attorney to work with Walter Cox (Conservation), Ron Corn (County Administrator), Jeremy Johnson (Menominee County Conservationist/Forester/Zoning Administrator), LaMotte Lake Property Owners Association and any other concerned parties to research and develop an agreement to allow use of tribal public access by the LaMotte Lake Property Owners Association and bring this back to the committee for the next meeting. Second was by Karen Washinawatok. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 1 abstention (Cox) and 3 absent (Waukau, Swimmer and Summers).

Motion made by Karen Washinawatok to return back to the agenda. Second was by Cara Thunder. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

3. Committee Discussion-A) Election of Officers, B) Review of By laws and C) Set Priorities:

A) Election of Officers:

Gary Besaw has already been appointed Chairman and the Committee will need to Vice Chairman and a Secretary will be needed.

Motion made by Karen Washinawatok to nominate Cara Thunder as Vice Chairman. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 1 abstention (Cara Thunder) and 3 absent (Waukau, Swimmer and Summers).

Vice Chairman is Cara Thunder.

Motion made by Walter Cox to nominate Lynnette Miller. Second was by Karen Washinawatok. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 1 abstention (Miller) and 3 absent (Waukau, Swimmer and Summers).

Secretary is Lynnette Miller.

B) Review of By laws:

Gary Besaw will get clarification from the Program Attorney about proxy voting and are committee meetings open to the general public, or just open to tribal members.

The date and meeting time will be set at the next meeting.

C) Set Priorities:

To review all monthly reports of the departments that report to this committee.

4. Approval of Minutes dated January 31, 2007:

Tribal tagging for transporting kill will become an agenda item for the next meeting.

An update on the cat population in Neopit was given.

Update the motion to N400 Hwy 47 55 for the Wilber property.

Motion made by Barb Nelson to approve the minutes dated January 31, 2007. Second was by Lynnette Miller. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 1 abstention (Washinawatok) and 3 absent (Waukau, Swimmer and Summers).

6. Tribal Driver's License Issue-Discussion and Recommendations:

The Committee would like clarification on the direction the Legislature would like to go. The Governmental Affairs Committee had already discussed this issue. The committee will get a copy of the Governmental Affairs Committee minutes to review before a decision is made.

7. Resolution/Moratorium on New High-Capacity Groundwater Wells:

Gary Schuettpelez is working on placing a moratorium. Place a moratorium on our ground water resource. Someone could put a well up and nothing could be done to stop it as there are no laws to govern this. There are loopholes in the State law but the State is also working on closing these loopholes within the regulations.

After Committee discussion, Gary Schuettpelez will add the additional wording that reflects that the Tribe would be against any type of water usage near the Reservation.

Motion made by Karen Washinawatok to recommend to the Legislature to approve the Resolution/Moratorium on New High Capacity Groundwater wells with the added verbiage. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

8. Arsenic Project/Gary Schuettpelz:

Gary Schuettpelz informed the committee that there will be 9 separate soil/ground samplings taken from different areas within the county and have these analyzed for arsenic. Menominee County/Reservation has never been tested before. There will be a tribal representative when the samples are taken.

Motion made by Barb Nelson to recommend to the Legislature to approve the gathering of soil samples for the arsenic project. Second was by Cara Thunder. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

9. Clean up of Clandestine Drug Lab Sites Draft Ordinance:

William Kussel was present for any questions that the committee may have.

The Committee reviewed the draft ordinance page by page and made corrections. Mr. Kussel will make the corrections and bring this back to this committee.

Mr. Kussel will also work with the appropriate personnel within Menominee County to have coordination and unity with both jurisdictions.

Motion made by Cara Thunder to suspend the agenda and hear # 11-Extradition and #12-Proposed Drug Amendments/David Wynos Second was by Karen Washinawatok. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

11. Extradition Ordinance-Review and Recommendations:

Mr. Kussel will contact the State to see if they are interested in a reciprocal extradition.

The amendment to the ordinance was to increase the hold time of a prisoner to 72 hours excluding holidays and weekends. It originally states 48 hours and some times the paperwork is not filed in time, so the prisoner needs to be released.

Motion made by Lynnette Miller to recommend to the Legislature to approve the Extradition Ordinance # 81-22 as amended. Second was by Cara Thunder. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 1 abstention (Nelson) and 3 absent (Waukau, Swimmer and Summers).

12. Proposed Drug Ordinance (#80-17) Amendments/David Wynos:

The Committee along with Mr. Kussel reviewed the proposed amendments to the ordinance. Mr. Kussel will make the corrections and updates and will be brought back to the committee for final review.

Motion made by Cara Thunder to go back to the regular agenda. Second was by Lynnette Miller. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

10. BIA/LES Standards Review-Internal Affairs:

The Committee reviewed the final proposed document.

After reviewing this document, it was determined that in the event that an immediate family member of the chief of police is under investigation; the Tribal Chairperson would determine if there is a conflict of interest”.

Motion made by Karen Washinawatok to recommend to the Legislature to approve the BIA/LES Standards Review-Internal Affairs with corrections as discussed. Second was by Cara Thunder. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

13. Proposed Parking Citation Ordinance:

This information is not ready for the committee.

Motion made by Karen Washinawatok to table this item. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

14. Review Monthly Reports:

Due to the financial reports are not submitted to the departments on a timely basis, the committee is also not reviewing the monthly reports on a timely basis.

15. Other Business:

Frank McLellan gave the Committee an update on the Brownfield's project:

The Former Boivin Leaking Underground Storage Tank Site: Analytical results-leaking into the river are in. The results show monitoring well 10 to monitoring well 400 shows that there is product flow of gasoline and fuel oil. The homes in the area are not affected at this time. There will be another sampling done after April 24, 2007.

Camp 33, Maskewit Road, Tomow and Bell sites will need to be remapped for sampling plans. This was necessary as the company personnel first hired quit and went to another job.

The former Merlin Wilber's located at N400 Hwy 47/55 will cost around \$6,000.00 to clean up. A grant proposal for \$10,000.00 has been submitted to clean up the former Vigue's Trout Ponds located on Hwy 55. Approval is expected sometime in July, 2007. Once the department finds out if the grant has been accepted, the department will be able to determine what additional tribal properties can be cleaned up.

Motion made by Lynnette Miller to continue with the clean up of Wilber's property located at N400 HWY 47-55 for \$6,000.00. Second was by Karen Washinawatok. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Waukau, Swimmer and Summers).

16. Adjournment:

Motion made by Karen Washinawatok/Cara Thunder to adjourn the meeting.

Meeting adjourned at 5:45 p.m.

Respectfully submitted by,

Linda Peters, Recorder
Legislative Staff